

MAY 22 2007

Attorney's Docket No.: 09531-154001  
Client's Ref. No.: Z03043

**OFFICIAL COMMUNICATION FACSIMILE:**

**OFFICIAL FAX NO: (571) 273-8300**

Number of pages including this page 12

Applicant : John Nicholas Eian et al.  
Serial No. : 10/669,085  
Filed : September 23, 2003

Art Unit :  
Examiner :

Title : System and Method for Three-Dimensional Video Imaging Using a Single Camera

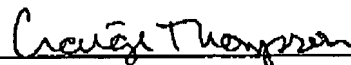
**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

A Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office  
Action and supporting documents (12 pages) dated May 22, 2007 is attached.

Respectfully submitted,

Date: May 22, 2007

  
Craig O. Thompson  
Reg. No. 47,990

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Fax: (612) 288-9696

60430674.doc

**NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (612) 335-5070 to arrange for its return. Thank you.**

MAY 22 2007

Attorney's Docket No.: 09531-154001 / Z03043

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Nicholas Eian et al.      Art Unit : 2624  
Serial No. : 10/669,085      Examiner : Yon Jung Couso  
Filed : September 23, 2003  
Title : SYSTEM AND METHOD FOR THREE-DIMENSIONAL VIDEO IMAGING  
USING A SINGLE CAMERA

## MAIL STOP PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENTBASED ON FAILURE TO RECEIVE OFFICE ACTION

Under 37 CFR § 1.181, Applicants hereby petition for withdrawal of the Notice of Abandonment mailed May 8, 2007 (copy enclosed). The application was held to be abandoned under 37 CFR §1.135 for failure to respond to the Notice of Allowance mailed January 10, 2007.

Applicant submits that the Notice of Allowance was not mailed to the attorneys appointed on the Power of Attorney (copy enclosed). The undersigned submits that a search of the file jacket and docket records indicates that the Notice of Allowance has not been received. Applicants intend to pay the issue fee upon receipt of a Notice of Allowance.

The undersigned, Applicants' attorney of record, never received a copy of the Notice of Allowance. The undersigned is attorney of record with the law firm of Fish & Richardson by virtue of a Power of Attorney filed on December 29, 2003. The undersigned first became aware of the abandonment on April 16, 2007, when a routine status check revealed that the Notice of Allowance was issued on Jan. 10, 2007 and mailed to the law firm of Schwegman Lundberg

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

May 22, 2007

Date of Transmission

Signature

Leslie Smith

Typed or Printed Name of Person Signing Certificate

Applicant : John Nicholas Eian et al.  
Serial No. : 10/669,085  
Filed : September 23, 2003  
Page : 2 of 2

Attorney's Docket No.: 09531-154001 / Z03043

Woessner & Kluth. After making numerous attempts to reach the Examiner and the Examiner's supervisor, the undersigned spoke to the Supervisory Patent Examiner, Eileen Lillis, on April 26, 2007. Then, on April 27, 2007, the Patent Office mailed a Notice of Acceptance of Power of Attorney to the undersigned's law firm, and subsequently mailed the Notice of Abandonment on May 8, 2007.

The undersigned believes that Abandonment is due to error on the part of the United States Patent and Trademark Office (USPTO). In particular, the USPTO erred by not timely accepting the Power of Attorney, and by not sending the Notice of Allowance to the proper attorney of record.

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that the Notice of Allowance mailed January 10, 2007 was not received by the undersigned's law firm:

1. A copy of our docket records for this application;
2. A copy of the Power of Attorney filed December 29, 2003; and
3. A copy of the Notice of Acceptance and Power of Attorney mailed April 27, 2007.

In accordance with MPEP §711.03(c) I-A, Applicants request that the USPTO (1) withdraw the holding of abandonment as being the result of USPTO error, and (2) mail a Supplemental Notice of Allowance to the undersigned attorney of record.

We believe that this petition is being promptly submitted as required by 37 CFR §1.8(b)(1). No fee is believed to be due; however, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 22, 2007

Craig O. Thompson  
Craig O. Thompson  
Reg. No. 47,990

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696  
60430199.doc



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,085	09/23/2003	John Nicolas Eian	09531-154001 / Z03043	1869

26191 7590 05/08/2007

FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER
COUSO, YON JUNG

ART UNIT	PAPER NUMBER
3524	

MAIL DATE	DELIVERY MODE
05/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RECEIVED  
CENTRAL FAX CENTER

MAY 22 2007

**Notice of Abandonment**

Application No.

10/669,085

Examiner

COUSO, YON JUNG

Applicant(s)

John Nicolas Eian

Art Unit

2824

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

## Attachment to Notice of Abandonment

**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### Respond to the Notice of Abandonment by one of the following:

1. **Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

2. **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

3. **Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Revised Sept. 2006

MAY 22 2007

Attorney's Docket No.: 09531-154001 / 203043



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Nicholas Eian et al.      Art Unit : Unknown  
 Serial No. : 10/669,085      Examiner : Unknown  
 Filed : September 23, 2003  
 Title : SYSTEM AND METHOD FOR THREE-DIMENSIONAL VIDEO IMAGING  
 USING A SINGLE CAMERA

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

POWER OF ATTORNEY BY ASSIGNEE AND ELECTION OF  
 ASSIGNEE TO CONDUCT PROSECUTION TO EXCLUSION OF INVENTORS

The undersigned, as authorized representative of the assignee of the entire right, title and interest in the above-identified application, hereby appoints:

Mark S. Ellinger, Ph.D., Reg. No. 34,812  
 Monica McCormick Graham, Ph.D., Reg. No. 42,600  
 Greg A. McAllister, Reg. No. 47,779  
 Raymond R. Berdie, Reg. No. 50,769  
 H. Sanders Gwin, Jr., Reg. No. 33,242  
 Ronald C. Lundquist, Ph.D., Reg. No. 37,875  
 J. Patrick Finn III, Ph.D., Reg. No. 44,109  
 J. Richard Soderberg, Reg. No. 43,352  
 Chad A. Hanson, Ph.D., Reg. No. 44,737  
 Teresa A. Lavoie, Ph.D., Reg. No. 42,782  
 Mathias W. Samuel, Reg. No. 39,823  
 John F. Hayden, Reg. No. 37,640

Dorothy P. Whelan, Reg. No. 33,814  
 Richard J. Anderson, Reg. No. 36,732  
 Thomas S. McClenahan, Reg. No. 42,856  
 Michael K. Kane, Reg. No. 39,722  
 Stephen R. Schaefer, Reg. No. 37,927  
 John A. Dragseth, Reg. No. 42,497  
 M. Angela Parsons, Ph.D., Reg. No. 44,282  
 John F. Hayden, Reg. No. 37,460  
 Greg H. Gardella, Reg. No. 46,045  
 Elizabeth N. Kaytor, Ph.D., Reg. No. 53,103  
 Craige O. Thompson, Reg. No. 47,990

as its attorney(s) and/or agents to prosecute the application and to transact all business in the Patent and Trademark Office connected therewith with full powers of substitution and revocation, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 CFR §§3.71-73.

Furthermore, the assignee hereby revokes all prior powers of attorney in this application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 24, 2003  
 Date of Deposit  
 Signature: *Tammara A. Shann*  
 Typed or Printed Name of Person Signing Certificate

Applicant : John Nicholas Eian et al.  
Serial No. : 10/669,085  
Filed : September 23, 2003  
Page : 2 of 2

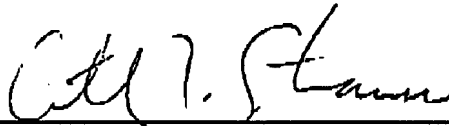
Attorney's Docket No.: 09531-154001 / Z03043

Ownership is in the assignee by virtue of the assignment documents recorded on February 24, 2003, at reel/frame 013781/0421. The documents evidencing ownership have been reviewed, and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all telephone calls to Mark S. Ellinger, Ph.D. at telephone number 612-335-5070. Please direct all other correspondence to the following:

PTO Customer No.: 26191

Signature: \_\_\_\_\_



Typed name: Anthony L. Strauss

Title: Vice President

Assignee: Regents of the University of Minnesota

20747691.doc



F&R# 09531-154001		PRINTED ON: 5/21/2007	
COUNTRY	US UNITED STATES	TITLE	
NEW/CON	FCA	SERIAL#	10/669,085
RELATED	N/A	PATENT#	
TYPE	UTL	STATUS	PUBLISHED
CLIENT	09531 University of Minnesota	CREF	Z03043
AGENT		AREF	
PRIOR	9/23/2002	MAIL	9/23/2003
FILE	9/23/2003	PUBL	6/17/2004
ISSUE		18T	9/23/2003
EXP	9/23/2023		

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
AS	Y	ASSIGNMENT	2/24/2003										
ASSIGN RECORDED 2/24/03 UNDER R/FR 013781/0421													
PC	N	POST CARD CHECK	9/23/2003	1M	10/23/2003		10/23/2003	0	10/16/2003	0M	Y	Y	N
G1	N	MISSING PARTS/NO NTC	9/23/2003	2M	11/23/2003	41	3/23/2004	3	12/15/2003	0M	Y	Y	N
FILING FEE AND DECL MISSING:													
FP	N	FILE PATENT APPL'N	11/23/2003	0M	11/23/2003		11/23/2003	0	9/23/2003	10D	Y	Y	N
TARGET FILING DATE													
GE	N	FILE REVOC/NEW POA	11/8/2003	1M	12/6/2003	21	2/6/2004	1	12/24/2003	1M	Y	Y	N
SET BY DOCKETING; FILE REVOC/NEW POA AND CHANGE OF ADDRESS:													
ID	Y	IDS W/ PTO-1449	12/23/2003										
DS	N	INF DISCLOSURE STMT	9/23/2003	3M	12/23/2003	31	3/23/2004	1	12/23/2003	1M	Y	Y	N
PR	Y	PRELIM AMENDMENT	12/24/2003										
ID	Y	IDS W/ PTO-1449	2/11/2004										
G2	N	MISSING PARTS NOTICE	12/15/2003	2M	2/15/2004	51	7/15/2004	0	2/6/2004	1M	Y	Y	N
FEES & DEC/POA													
FS	N	FILE RCPT STATUS CHK	9/23/2003	6M	3/23/2004		3/23/2004	0	12/15/2003	0M	Y	Y	N
PU	N	PUBLICATION	9/23/2002	18M	3/23/2004	61	9/23/2004	4	6/17/2004	1M	Y	Y	N
FM	N	FRML DRAWINGS RMND	9/23/2003	10M	7/23/2004		7/23/2004	0	9/23/2003	1M	Y	Y	N
FILED W/ APPLN:													
AN	N	AMEND PUBLICATION	6/17/2004	2M	8/17/2004		8/17/2004	0	6/17/2004	1M	Y	Y	N
NOT AMENDING:													
SC	N	STATUS CHECK	10/20/2006	6M	4/20/2007		4/20/2007	0		0M	Y	Y	N
APPLN FILED 9/23/03; per 02/09/06 PAIR check - docketed to examiner 07/06/04, no OA issued yet; PER BLJ 10/20/06 - CHECKED													
STATUS/ADDRESS ON PAIR:													
AV	N	ABANDONMENT UNAVOID	5/8/2007	2M	7/8/2007		7/8/2007	0		1M	Y	Y	N

## INVENTORS

JOHN NICHOLAS EIAN

RICHARD E. POPPELE

## ASSIGNEES

Regents of the University of Minnesota

## PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
	US	60/413,180	9/23/2002	09531/154P01	APPL

USER-DEFINABLE FIELDS		PATENT FIELDS			
PREV#		SMALL ENTITY	YES	ART UNIT	
CUST#	26191	CLAIMS		EXAMINER	
LOC	TC	PUBLICATION#	US-2004-0114033-A1	CONFIRM#	1869

P58435US00 ENTERED 10/28/2003 MODIFIED 5/16/2007 3: BY rjn ATTORNEYS MSE / SRS / DYW / COT

## NOTES

FILE TRANSFERRED FROM SCHWEGMAN 10/2003; CONF# 1869



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/669,085	09/23/2003	John Nicolas Eian	09531-154001 / Z03043

28191  
FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

CONFIRMATION NO. 1869

\*OC000000023581608\*

\*OC000000023581608\*

Date Mailed: 04/27/2007

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199  
ATTORNEY/APPLICANT COPY

MAY 22 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/669,085	09/23/2003	John Nicolas Eian	09531-154001 / Z03043

Schwegman, Lundberg, Woessner & Kluth, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402

CONFIRMATION NO. 1869

\*OC000000023581495\*

\*OC000000023581495\*

Date Mailed: 04/27/2007

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2003.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

*Shamir K. M. P.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199  
NEW ATTORNEY/AGENT COPY